

**REMARKS**

The Applicant appreciates the thorough examination of the claims previously presented. Applicant has canceled Claim 8-20 and 22-51 without prejudice as to patentability, including the doctrine of equivalents, and has added new Claims 52-65. Applicant has also filed a request for continuing examination herewith. In the Official Action, the examiner had rejected Claims 8-20 and 22-51 under 35 U.S.C. 102 as being anticipated by Davis. Although Applicant respectfully disagrees with examiner, Applicant has added new claims to further claim the invention and which clearly define over Davis. Davis, for example and unlike an embodiment of the claimed invention, at least fails to teach or suggest using a user selected personal control code received from an ID instrument that is sent to a remote server to access personal data to verify the user prior to proceeding with a retail transaction. For at least this reason, Claims 52-65 define over Davis, are novel, and nonobvious.

**CONCLUSION**

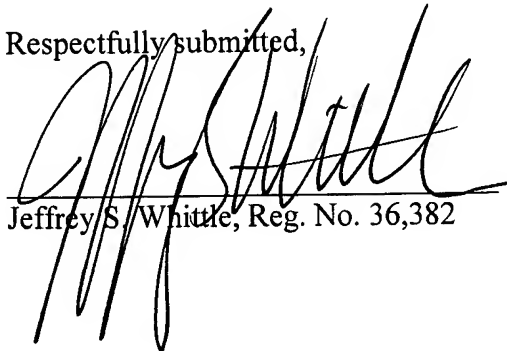
In view of the amendments and remarks set forth herein, Applicant respectfully submits that the application is in condition for allowance. Accordingly, the issuance of a Notice of Allowance in due course is respectfully requested.

Date: \_\_\_\_\_

16/13/04

BRACEWELL & PATTERSON, L.L.P.  
P.O. Box 61389  
Houston, Texas 77208-1389  
Telephone: (713) 221-1189

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey S. Whittle", written over a horizontal line.

Jeffrey S. Whittle, Reg. No. 36,382